

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

3:04-cr-250

UNITED STATES OF AMERICA

vs.

JUSTIN OBRIAN DAVIS (16)

)
)
)
)
)
)
)

ORDER

THIS MATTER is before the Court upon motion of the defendant pro se for a reduction of sentence based on the Fair Sentencing Act of 2010 (FSA) (Doc. No. 707) and his counsel's notice that he is not eligible for such relief (Doc. No. 722).

The defendant was sentenced on March 30, 2006, to 120 months' imprisonment, the mandatory minimum applicable to his drug offense. (Doc. No. 446: Judgment; Doc. No. 634: Supplemental Presentence Report). The FSA does not apply retroactively to lower the statutory mandatory minimum applicable defendants sentenced before August 3, 2010, the effective date of the act. United States v. Bullard, 645 F.3d 237, 249 (4th Cir. 2011). Therefore, he is not eligible for relief.

IT IS, THEREFORE, ORDERED that the defendant's motion (Doc. No. 707) is **DENIED**.

The Clerk is directed to certify copies of this order to the defendant, the Community Defender, the United States Attorney, the United States Marshals Service, and the United States Probation Office.

Signed: March 2, 2012

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

